AHC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

मामला क्रमांक M.A.(C) No. 1051/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL (CLAIM) NO.1051/2007

APPELLANTs

1. Dularin Bai, aged about 21 years, Wd/o late Aajuram Patel, r/o village Raikheda, Post Raikheda, Kharora, Distt. Raipur (C.G).

2. Ku. Chhaya Patel, d/o Aajuram Patel, aged about 1 ½ years, Minor Guardian through Mother Dularin Bai, wd/o late Aajuram Patel, r/o village Raikheda, Post Raikheda Kharora, Distt. Raipur (C.G).

Versus

RESPONDENTS

3. Rajbahadur Singh s/o Kalika Singh, aged about 38 years, Contractor Ispat Limited Industrial Area Siltara, Permanent Address: Bhilai 4, Lane No.9 Distt. Durg (C.G).

4. M/s. Godavrai Ispat Limited, Industrial Area, Siltara, P.S. Dharsiva, Distt. Raipur (C.G)

D.B: HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

ORAL ORDER
(18.09.2007)

L.C.Bhadoo, J,

Shri C.R. Sahu, counsel for the appellants.

The appeal is barred by 150 days' limitation. It is heard on admission as well as on limitation.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(24)

मामला क्रमांक M.A.(C) No. 1051/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The appellants who are wife and daughter of the deceased Aajuram Patel, have preferred this appeal being aggrieved by the order dt.07.2.2007 passed by the Commissioner for Workmen Compensation, Labour Court, Raipur, in case No.277/WC Act /2002 (Fatal).

We have heard counsel for the appellant.

In issue no.3, the learned commissioner after considering the evidence of employer namely B.P. Singh reached to the conclusion that the deceased was getting Rs.2050/- per month as per Annexure P-2 which was sent by letter dt.26.3.2002 to the Joint Director, Industrial Health and Security, Raipur. In issue no.4 it has been further held that in view of the provisions of section 4(1) of the Workmen Compensation Act 1923 the claimant is entitled for 50% as compensation of the monthly salary and after determining the 23 years age of deceased by applying the relevant factor 219.93, a total compensation amount of Rs.2,25,428/- has been awarded.

Learned counsel for the appellant has not been able to argue that how the award is on the lower side. More over, as per the provisions of Section 30 of the Workmen Compensation Act 1923, an appeal is maintainable on the substantial question of law. The counsel for the appellant has not been able to raise any substantial question of law in this appeal. Not only this, no reasonable case has been shown to condone the delay in filing of this appeal.

Therefore, the appeal being devoid of merit, the same is liable to be and is hereby dismissed on merits as well as on limitation, at the motion stage.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge